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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM C. MERRITT,

Petitioner,

vs.

D. NEVEN, *et al.*,

Respondents.

Case No. 2:13-cv-02347-JAD-PAL

ORDER

This is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

By order filed April 21, 2014, this court directed respondents to file a response to the petition. (Doc. 3). The court's order also denied petitioner's motion for the appointment of counsel. (*Id.*). Petitioner filed a motion for reconsideration of the decision to deny the appointment of counsel. (Doc. 5). Additionally, petitioner has filed a second motion seeking the appointment of counsel. (Doc. 21). Pursuant to 18 U.S.C. § 3006(a)(2)(B), the district court has discretion to appoint counsel when it determines that the "interests of justice" require representation. There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). The petition in this action is well written and sufficiently clear in presenting the issues that petitioner wishes to bring. The issues in this case are not complex. Counsel is not justified in this instance. Nothing in petitioner's motion for reconsideration or in his


1 second motion for the appointment of counsel causes this court to change its decision denying the
2 appointment of counsel. As such, both motions are denied.

3 Respondents filed a motion to dismiss the petition on July 8, 2014. (Doc. 8). Petitioner
4 filed a motion for an extension in which to file a response to the pending motion to dismiss. (Doc.
5 15). On July 22, 2014, the court granted petitioner an extension until August 31, 2014, to file his
6 response to the motion to dismiss. (Doc. 16). On August 26, 2014, petitioner sought a second
7 motion for an extension to file his response. (Doc. 17). On August 27, 2014, the court granted
8 petitioner an extension of ninety days, such that the response was due on November 24, 2014.
9 (Doc. 19). Most recently, on November 26, 2014, petitioner filed a third motion for an extension of
10 time in which to file a response to the pending motion to dismiss. (Doc. 22). Petitioner seeks a 90-
11 day extension of time in which to file a response. Having reviewed the motion, and considering the
12 lengthy extensions of time already afforded petitioner in this matter, the court will grant petitioner
13 45 days to file his response to the motion to dismiss. Petitioner is advised that no additional
14 extensions of time will be granted concerning the briefing of the pending motion to dismiss.

15 **IT IS THEREFORE ORDERED** that petitioner's motion for reconsideration (Doc. 5) and
16 second motion for the appointment of counsel (Doc. 21) are **DENIED**.

17 **IT IS FURTHER ORDERED** that petitioner's motion of time in which to file a response to
18 the pending motion to dismiss (Doc. 22) is **GRANTED**, to the extent that petitioner's response
19 shall be filed within **45 days** from the date of entry of this order. **No additional extensions of time**
20 **will be granted concerning the briefing of the pending motion to dismiss.**

21 Dated this 19th day of December, 2014.

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24 UNITED STATES DISTRICT JUDGE
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